

# Van Buren County Board of Education

Monitoring:  Review: Annually, in April	Descriptor Term:  <b>Unsafe School Choice</b>	Descriptor Code: <b>6.2061</b>	Issued Date: <b>03/16/06</b>
		Rescinds:	Issued:

1 Section 1: Persistently Dangerous Schools

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3 Any public elementary or secondary school, with the exception of a school established specifically for  
4 serving suspended or expelled students or students with behavioral disabilities, shall be considered  
5 persistently dangerous if it meets the following criteria for three (3) consecutive years:

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- 7 1. Has violence-related disciplinary actions as reported on the Annual Report of Zero Tolerance  
8 Offenses. Violence-related disciplinary actions shall be defined as any of the following: pos-  
9 session/use of a firearm, battery of a teacher or school employee (including a school resource  
10 officer assigned to the school), and possession /use of a weapon other than a firearm (a more  
11 detailed description of each of these offenses is provided in Section 3 of this policy); or
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  - 13 2. Has students who have been the victim of a violent crime at school as defined in Section 2 of  
14 this policy; and,
  - 15
  - 16 3. The sum of violence-related disciplinary actions and/or incidents of student victimization identi-  
17 fied in criteria #1 and criteria #2 above are equal to or greater than 3% of the school's average  
18 daily membership.
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  - 20 4. Persistently dangerous schools are those schools identified by the State Department of Educa-  
21 tion.

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23 Section 2: Victim of a Violent Crime at School

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25 A student shall be considered a victim of a violent crime at school when the following criteria are met:

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- 27 1. Evidence is found to reasonably indicate that the student has been the victim of any of the ap-  
28 plicable offenses identified in TCA 40-38-111(g) or the attempt to commit one of the applicable  
29 offenses as defined under TCA 39-12-101; and,
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  - 31 2. The offense occurred while the student was attending school or traveling to or from school on  
32 a school bus.

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34 Required Actions

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- 36 1. The building administrator or a designated representative of a school where an alleged incident  
37 of student violent crime victimization has occurred shall immediately report the incident to the  
38 appropriate law enforcement agency.
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  - 40 2. Promptly following an investigation by appropriate law enforcement personnel, the building  
41 administrator or a designated representative shall determine whether or not reasonable evidence

exists to indicate that a student has been the victim of violent crime. Identification of a perpetrator and/or the filing of criminal charges shall not be considered a prerequisite for determining that a student has been victimized.

3. The building administrator or a designated representative shall file a report with the Tennessee Department of Education as requested by the Commissioner.

Parental Notification

The schools in Van Buren County shall annually notify parents if their child is the victim of a violent crime. Upon determination that a student has been victimized, and within ten (10) days of the event, the director of schools shall offer the student and his/her parent(s) or guardian(s) a chance to change the student's schedule to remove him/her from the existing situation. All incidents will be evaluated immediately to insure that proper policies will be developed to make sure incidents do not occur again.

Section 3: Definitions

For the purposes of this policy, the following definitions shall apply:

Violence-related Disciplinary Actions — A violence-related disciplinary action is one taken for any of the following offenses:

- Possession or use of a firearm.<sup>1</sup>
- Battery of a teacher or school employee (including a school resource officer assigned to the school). For purposes of this policy, battery is defined as intentional or reckless physical contact with a person without his or her consent that causes bodily injury.
- Possession or use of a weapon other than a firearm.<sup>2</sup>

Violent Crime — Any of the following applicable offenses:<sup>3</sup>

- Aggravated arson
- Aggravated assault
- Aggravated child abuse and neglect
- Aggravated kidnapping
- Aggravated rape
- Aggravated robbery
- Aggravated sexual battery
- Aggravated spousal rape
- Spousal sexual battery
- Aggravated vehicular homicide
- Carjacking
- Criminally negligent homicide
- Especially aggravated burglary
- Especially aggravated kidnapping
- Especially aggravated robbery
- First degree murder
- Incest

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- Kidnapping
- Rape
- Rape of a child
- Reckless homicide
- Second Degree murder
- Sexual battery by an authority figure
- Sexual battery
- Stalking
- Statutory rape
- Vehicular assault
- Voluntary manslaughter

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Legal Reference:

1. 18 U.S.C. § 921
2. TCA 39-17-1309
3. TCA 40-38-111(g)